

CERTIFIED FOR PARTIAL PUBLICATION*

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

EDDIE LEE WANDICK,

Defendant and Appellant.

C040921

(Super.Ct.No. 01F05382)
ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

APPEAL from a judgment of the Superior Court of Sacramento County, Patricia C. Esgro, J. Affirmed.

Michael B. McPartland, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney General, Jo Graves, Senior Assistant Attorney General, J. Robert Jibson, Supervising Deputy Attorney General, Charles Fennessey, Deputy Attorney General, for Plaintiff and Respondent.

* Pursuant to California Rules of Court, rules 976.1(b) and 976.1, this opinion is certified for publication with the exception of parts I and II.

THE COURT:

It is ordered that the opinion filed herein on January 23, 2004, be modified as follows:

1. On page 2, the second line from the bottom of the page, change ".03" to .3, so that the line reads:

peanut and weighed .3 gram. Halstead and Gullion performed a

2. On page 4, the first line, change ".03" to .3, so that the line reads:

found in the booking area weighed .3 of a gram. However, the

3. On page 4, the fourth line from the top of the page, change ".01" to .1, so that the line reads:

.1 of a gram.

4. On page 4, the fifth line of the second full paragraph, change ".03" to .3, so that the line reads:

the fact the substance initially weighed .3 of a gram. The

5. On page 4, the seventh line of the second full paragraph, change ".03" to .3 and ".01" to .1, so that the line reads:

.3 of a gram, but only .1 of a gram. On its own motion, the

6. On page 4, the eighth line of the second full paragraph, change ".03" to .3, so that the line reads:

court instructed defendant not to mention the weight of .3 of a

7. On page 6, within the centered, italicized heading, change ".03" to .3 so that the title reads:

Reference to .3 of a Gram

8. On page 6, line four of the first full paragraph after the heading, change ".02" to .2, so that the line reads:

weighed .2 of a gram less than the laboratory sample. Again

9. On page 6, line three of the last full paragraph, change ".03" to .3, so that the line reads:

mention the initial weight of .3 of a gram. Even this ruling,

10. On page 6, line five of the last full paragraph, change ".03" to .3, so that the line reads:

substance found on the paper weighed .3 of a gram when it was

11. On page 6, line seven of the last full paragraph, change ".01" to .1, so that the line reads:

only .1 of a gram when it arrived at the laboratory. Officer

12. On page 7, line two of the second full paragraph, change ".01" to .1, so that the line reads:

weighed only .1 of a gram, Halstead maintained that it would

13. On page 7, line three of the second full paragraph, change ".01" to .1, so that the line reads:

still be a usable quantity. He stated that .1 of a gram was a

14. On page 7, line two of the fourth full paragraph, change ".03" to .3, so that the line reads:

substance, that it weighed .3 of a gram when it was first

15. On page 7, line five of the fourth full paragraph, change ".01" to .1, so that the line reads:

the crime laboratory was .1 of a gram is immaterial, because,

There is no change in the judgment.

FOR THE COURT:

 SIMS , Acting P.J.

 DAVIS , J.

 HULL , J.

